GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition & Excise Department – A.P. Excise Service – Sri P. Bala Swamy, Assistant Prohibition & Excise Superintendent – Review of SC roster point – Recommendations of Review Screening Committee – Accepted - Notional promotion accorded in the category of Prohibition & Excise Superintendent in the panel year 2008-09- Orders – Issued.

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REVENUE (EXCISE-I) DEPARTMENT

G.O.MS.No. 13 **Dated: 08-01-2018**

Read the following:-

1. From the Commissioner of Prohibition & Excise, A.P., Cr.No.4962/2017/CPE/A2, dt.08.11.2017.
2. Proceedings of the Screening Committee, dated.13.12.2017.

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ORDER:

In the reference 1st read above, the Commissioner of Prohibition & Excise, AP., has stated that Sri P.Balaswamy Prohibition & Excise Superintendent (working in Telangana) was directly recruited as Prohibition & Excise Inspector in the year 1989 in Zone-V and joined on 31-05-1989. Due to late passing of tests, his date of commencement of probation was fixed from 23-05-1993. Accordingly his services in the cadre of Prohibition & Excise Inspector were regularized w.e.f 23-05-1993 by the Government. In the absence of integrated seniority list of Prohibition & Excise Inspector, an adhoc panel of Prohibition & Excise Inspector fit to be promoted as Assistant Prohibition & Excise Superintendent was prepared during the year 2005-06 and against the SC roster point No.7, the name of Sri C.Ashok Kumar of Zone-VI, now working as Assistant Commissioner of Prohibition & Excise was considered for promotion as Assistant Prohibition & Excise Superintendent, basing on his date of joining on temporary promotion as Prohibition & Excise Inspector i.e 04-07-1986. The Deputy Commissioner of Prohibition & Excise, Hyderabad on calculating the substantive vacancies meant for Direct Recruits and Promotees assigned the date of regularization to Sri C.Ashok Kumar as 01-10-1996 in the cadre of Prohibition & Excise Inspector. Sri P. Balaswamy and Sri C. Ashok Kumar belong to SC category. Further, the integrated seniority list of Prohibition & Excise Inspectors of Multi Zone-III was finalized vide CPE's Cr.No. 2399/2009/CPE/L3, dated 29-9-2009, wherein the date of regularization of Sri P.Balaswamy is shown as 23.05.1993 and the date of regularization of Sri C.Ashok Kumar is shown as 01-10-1996. Thus, Sri P.Balaswamy is senior to Sri C.Ashok Kumar in the feeder category i.e Prohibition & Excise Inspector. The name of Sri C.Ashok Kumar was included in the regular panel for the year 2003-04 against RP.No.7 meant for Scheduled Caste for considering promotion to the post of Assistant Prohibition & Excise Superintendent in MZ-III. Basing on this position, he was promoted as Prohibition & Excise Superintendent in the panel year 2007-08 and also promoted as Assistant Commissioner of Prohibition & Excise in the panel year 2011-12.

2. Sri P.Balaswamy filed O.A. No. 1054/2010 and the Hon'ble APAT by orders, dated 09-11-2012 directed as follows.

> "In the light of the above facts and circumstances, O.A is disposed of directing the respondents 1 to 3 to consider the case of the applicant for promotion to the post of Assistant Prohibition & Excise Superintendent and later to the post Excise Superintendent on par with 4th respondent who was said to be junior to the applicant in the seniority list, by taking into consideration the seniority, eligibility of the applicant and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order."

(PTO)

3. In the final integrated seniority list of Assistant Prohibition & Excise Superintendents for the panel years 2002-03 to 2004-05 issued vide Gazette No. 249, dated 22-09-2008, the name of Sri C.Ashok Kumar (SC) is at Sl.No.7 in MZ-III and at Sl.No.18 in the integrated seniority list. In view of the above, a show cause notice was issued to all the affected persons proposing to place the name of Sri P.Balaswamy, Assistant Prohibition & Excise Superintendent of MZ-III at Sl.No. 7 above Sri R Suresh with date of regularization as 02-01-2003 in the final integrated seniority list of Assistant Prohibition & Excise Superintendent of MZ-III and at Sl.No.18 in the integrated seniority list of Assistant Prohibition & Excise Superintendent published in Gazette No.249, dated 22-9-2008. Consequently, the name of Sri C.Ashok Kumar was proposed to be placed at Sl.No.1 in the final seniority list of Assistant Prohibition & Excise Superintendent of MZ-III for the panel year 2007-08 and at Sl.No.3 in the final integrated seniority list of Assistant Prohibition & Excise Superintendent issued in Cr.No.7649/2003/CPE/L3, dated 12-7-2010. The show cause notice was also published in the A.P Extraordinary Gazette No.30, dated 31-1-2013. Only one individual viz Sri C.Ashok Kumar filed objection against the above proposal and his objection was examined and rejected by the Commissioner of Prohibition and Excise, vide Cr.No.7649/2003/CPE/L3, dated 19-3-2013.

4. Accordingly, Sri P.Balaswamy was assigned notional seniority in the category of Assistant Prohibition & Excise Superintendent in place of Sri C.Ashok Kumar by including his name at RP.No.7 (SC) in the panel year 2003-04 by replacing the name of Sri C.Ashok Kumar. Consequently the name of Sri C.Ashok Kumar was included at RP.No.16 (SC) in the panel year 2007-08 in MZ-III. This was done by following due procedure and final orders were issued vide CPE.Cr.No. 7649/2003/CPE/L3 dated. 22-05-2013.

5. Government have examined the matter and found that Sri C.Ashok Kumar was promoted as Prohibition & Excise Superintendent in the panel year 2007-08 against RP.No.66. His name has been again reviewed by virtue of notional seniority assigned to Sri M. Satyanarayana in the feeder category and after adjusting the Scheduled Caste Roster Points in subsequent panels, the name of Sri C. Ashok Kumar-SC has been relegated from Scheduled Caste Roster Point - 66 of the panel year 2007-08 to the Scheduled Caste Roster Point-72 for the panel year 2008-09. Since Sri P.Balaswamy became senior to Sri C.Ashok Kumar in the feeder category of Assistant Prohibition & Excise Superintendent, he is eligible for inclusion in the panel of Prohibition & Excise Superintendent for the year 2008-09 in place of Sri C.Ashok Kumar.

6. Accordingly, the matter has been placed before the Review DPC to consider to include the name of Sri P.Balaswamy in the panel of Prohibition & Excise Superintendent for the panel year 2008-09 against RP.No.72 by proposing to delete the name of Sri C.Ashok Kumar.

7. The Screening Committee which was held on 13.12.2017 has recommended that the name of Sri P. Bala Swamy, be included in the panel of Assistant Prohibition & Excise Superintendent for notional promotion in the category of Prohibition & Excise Superintendent against Scheduled Caste Roster Point No.72, below the name of Sri L.Gundal Reddy and above Sri N.V.S.Prasad for the panel year 2008-09, duly deleting the name of Sri C.Ashok Kumar (SC) from the panel year 2008-09.

8. Government after careful examination of the matter hereby accept the recommendations of the Screening Committee held on 13.12.2017 and decided to include the name of Sri P. Bala Swamy, Assistant Prohibition & Excise Superintendent in the panel year of Assistant Prohibition & Excise Superintendent fit for promotion to the category of Prohibition & Excise Superintendent against Scheduled Caste Roster Point No.72, below the name of Sri L.Gundal Reddy and

(Contd.3)

above Sri N.V.S.Prasad for the panel year 2008-09, duly deleting the name of Sri C.Ashok Kumar (SC) from the panel year 2008-09.

9. Accordingly, under rule 10 (a) of Andhra Pradesh State and Subordinate Service Rules, 1996, Sri P. Balaswamy, Assistant Prohibition and Excise Superintendent is hereby promoted as Prohibition and Excise Superintendent notionally in the panel year 2008 – 2009 at Roster Point No.72 (SC) ie., below the name of Sri L.Gundal Reddy and above Sri N.V.S.Prasad for the panel year 2008-2009.

10. The Commissioner of Prohibition & Excise, Andhra Pradesh and the Commissioner of Prohibition & Excise, Telangana State shall take necessary further action in the matter.

11. The above recommendations are subject to directions/outcome of OAs/WPs/WAs/RPs/CAs etc., if any, pending before Tribunal/Courts etc.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D. SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P.,
RS.No.88-2B, Sai Vihar Apartments,
Poultry Farm Road, Prasadampadu(Village),
Vijayawada (Rural Mandal), Krishna District.
The Commissioner of Prohibition & Excise, Telangana State., Hyderabad.
Copy to Sri P. Balaswamy, Prohibition and Excise Superintendent.
(Thro: The CPE., Telangana State, Hyderabad)

//FORWARDED::BY ORDER //

SECTION OFFICER.